

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 05-1698

HENRY LEWIS ASTROP,

Plaintiff - Appellant,

versus

BRUNSWICK COUNTY TRANSPORTATION FOR BRUNSWICK
COUNTY SCHOOLS; UNITED STATES OF AMERICA,

Defendants - Appellees.

Appeal from the United States District Court for the Eastern
District of Virginia, at Richmond. Henry E. Hudson, District
Judge. (CA-05-392-3)

Submitted: October 20, 2005

Decided: October 26, 2005

Before NIEMEYER and SHEDD, Circuit Judges, and HAMILTON, Senior
Circuit Judge.

Affirmed by unpublished per curiam opinion.

Henry Lewis Astrop, Appellant Pro Se. Abbigale Bricker Fredrick,
THE CONRAD FIRM, Richmond, Virginia, for Appellees.

Unpublished opinions are not binding precedent in this circuit.
See Local Rule 36(c).

PER CURIAM:

Henry Lewis Astrop appeals the district court's order dismissing his civil action for lack of subject matter jurisdiction. As the district court noted, Astrop has not alleged facts sufficient to establish jurisdiction based on diversity of citizenship. See 28 U.S.C. § 1332 (2000). Further, there is no basis in law or fact for any claim against the United States. To the extent Astrop's complaint could have been construed as an action under 42 U.S.C. § 1983 (2000), Astrop admits in his complaint that he was not injured in the automobile accident at issue. We have reviewed the record and find no reversible error. Accordingly, although we deny Brunswick County Transportation's motion to dismiss, we affirm substantially on the reasoning of the district court. See Astrop v. Brunswick County Transp., No. CA-05-392-3 (E.D. Va. June 20, 2005). We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED